Docket No.: WIBL-P01-579
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Golub, *et al.*

Confirmation No.: 9648

Application No.: 09/989,758

Group Art Unit: 1637

Filed: November 20, 2001

Examiner: Fredman, J. N.

For: DIFFUSE LARGE CELL LYMPHOMA
DIAGNOSIS AND OUTCOME PREDICTION
BY EXPRESSION ANALYSIS

DECLARATION UNDER 37 CFR § 1.132

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Pablo Tamayo, of Cambridge, Massachusetts, hereby declare as follows:

1. I am a co-inventor, together with Todd Golub, Margaret Shipp, John C. Aster, and Eric S. Lander, of the above-mentioned application which teaches and claims methods of classifying a lymphoma sample according to predicted treatment outcome and methods of classifying a sample according to lymphoma type.

2. I understand that the Examiner has alleged that the invention as described and claimed in the above-identified application was described in part in U.S. Patent No. 6,647,341 (the '341 patent) published on November 11, 2003. Three co-inventors of the '341 patent (Todd R. Golub, Eric S. Lander, and Pablo Tamayo) are co-inventors of the above-identified application, and two other co-inventors of the '341 patent (Jill Mesirov and Donna Slonim) are not co-inventors of the above-identified application.

3. Todd Golub, Eric S. Lander, and Pablo Tamayo, co- inventors of the '341 patent, conceived the methods of classifying a lymphoma sample according to predicted treatment outcome and methods of classifying a sample according to lymphoma type, which are described in the '341 patent.

4.   Jill Mesirov and Donna Slonim, co- inventors of the '341 patent, did not contribute to the conception of the methods of classifying a lymphoma sample according to predicted treatment outcome and methods of classifying a sample according to lymphoma type, which are described in the '341 patent. Jill Mesirov and Donna Slonim contributed to other aspects of the invention claimed in the '341 patent.

5.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code and that willful false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.

_____   _____
Pablo Tamayo   Date